

CHAPTER 16

PORTABLE ELECTRONICS INSURANCE — ELECTRONIC NOTICES TO CONSUMER

S.F. 559

AN ACT relating to insurance notices and documents delivered by electronic means to a consumer that purchases portable electronics insurance in a retail transaction.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 505B.1, subsection 1](#), paragraph a, unnumbered paragraph 1, Code 2019, is amended to read as follows:

“Delivered or deliver or delivery by electronic means” means any of the following:

Sec. 2. [Section 505B.1](#), Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. a. For purposes of [this subsection](#), “consumer” and “portable electronics insurance” mean the same as defined in [section 522E.1](#).

b. Notwithstanding [subsection 4](#), affirmative consent from a party to have notices and documents delivered by electronic means for portable electronics insurance sold pursuant to [chapter 522E](#) is obtained if a consumer provides an electronic mail address and the consumer is provided at the point of sale, or prior to the point of sale, a conspicuously located disclosure advising the consumer that the consumer is giving affirmative consent. The disclosure must also advise the consumer of the consumer’s right to receive a paper copy of notices and documents and of the process by which the consumer can opt out of delivery by electronic means.

Sec. 3. [Section 522E.1, subsection 2](#), Code 2019, is amended to read as follows:

2. “Consumer” means a person who purchases portable electronics or portable electronics insurance in a retail transaction.

Sec. 4. [Section 522E.1](#), Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. “*Delivered or deliver by electronic means*” means the same as defined in [section 505B.1](#).

Sec. 5. [Section 522E.9](#), Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7. In order for all portable electronic insurance notices and documents to be delivered by electronic means to the consumer, affirmative consent shall be obtained pursuant to [section 505B.1, subsection 4A](#).

Sec. 6. [Section 522E.13, subsections 5 and 6](#), Code 2019, are amended to read as follows:

5. If a portable electronics insurance policy is terminated by the licensed portable electronics vendor that is the policyholder, the portable electronics vendor shall deliver by mail or deliver by electronic means a written notice to each enrolled consumer advising the enrolled consumer of the termination of the policy and the effective date of termination. The written notice shall be ~~mailed or~~ delivered by the portable electronics vendor to the enrolled consumer at least thirty calendar days prior to the termination. However, if the notice is not sent within thirty calendar days, enrollment shall continue until thirty calendar days from the date the portable electronics vendor sends notice of termination to the enrolled consumer or until a new portable electronics insurance policy is in effect.

6. Whenever notice or correspondence with respect to a policy of portable electronics insurance is required pursuant to [this section](#), it shall be in writing and sent within the notice period required pursuant to [this section](#). Notices and correspondence shall be sent to the licensed portable electronics vendor that is the policyholder at the portable electronics vendor’s mailing or electronic mail address specified for that purpose and to its affected enrolled consumers’ last known mailing or electronic mail addresses on file with the insurer or the portable electronics vendor. All notices and documents that are delivered by electronic means shall comply with [section 505B.1](#), except for the provisions in [subsection 4](#). The

insurer or portable electronics vendor shall maintain proof that the notice or correspondence was sent for not less than three years after that notice or correspondence was sent.

Approved April 8, 2019